IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

CRL.A.No. 275 of 2002()

CC.383/1999 of JUDL.MAGISTRATE OF FIRST CLASS-I, ERNAKULAM

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APPELLANT: COMPLAINANT

C.K.SUDHA,W/O.ASOKAN A.N.,ALACKAL HOUSE,
THUTHIYOOR,ERNAKULAM DISTRICT

BY ADV. SRI.B.RAMACHANDRAN

RESPONDENTS: ACCUSED AND STATE

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1. V.K.GOPALKRISHNAN S/O.KUTTAN,
VALUMMOMOOKIL HOUSE,EDAKATTUVAYAL P.O.,
ERNAKULAM DISTRICT

2. STATE OF KERALA,REPRESENTED BY PUBLIC
PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 23/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.A.No.275 of 2002(A)

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Dated this the 23rd day of July, 2007

J U D G M E N T

The appellant is the complainant in C.C.No.383/1999 in the file of the Judicial Magistrate of the First Class, Ernakulam, the proceedings initiated under Section 138 of the Negotiable Instruments Act. The accused was acquitted under Section 256(1) of the Code of Criminal Procedure. It is submitted that the lapse was occasioned on account of the wrong noting of the posting date.

In the circumstances, the order of acquittal is set aside. The court below is directed to permit the appellant/complainant to further pursue the matter and dispose of the case on merits. The appellant shall appear before the court below on 14/08/2007. The court below shall issue fresh summons to the accused.

The appeal is allowed.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl.A.No.275 of 2002(A)

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J U D G M E N T

23rd July, 2007